

REMARKS

The Examiner's continued attention to the application is noted with appreciation.

In the Office Action dated July 10, 2007, the Examiner rejected claims 1, 7, and 16 under 35 U.S.C. § 102(e) as anticipated by Bracale (U.S. Patent Application Publication No. US 2003/0079422 A1) filed October 21, 2002 (effective date). Such rejection is respectfully traversed. Attached is a Declaration of Inventor under 37 C.F.R. § 1.131 and 1.68. The showing of facts is such, in character and weight, as to establish reduction to practice prior to the effective date of the reference. Photocopies of original exhibits of drawings or records accompany and form part of the declaration. Therefore Bracale is not available as a reference or prior art, and independent claim 1 is in condition for allowance.

Claims 38 through 44 are new claims.

The Examiner rejected claims 3-5, 8, 10-18 and 21-37 under 35 U.S.C. § 103(a) as unpatentable over Bracale (U.S. Patent Application Publication No. US 2003/0079422 A1) in view of a number of other references. Because Bracale is not available as prior art, these claims are also in condition for allowance.

The Examiner rejected claims 18, 21-29, and 36 under 35 U.S.C. § 103(a) as unpatentable over DeBlock (U.S. Patent Application No. US 2003/006254 A1) in view of Boyd (U.S. Patent No. 2,858,734) and additionally in view of other references. Such rejections are respectfully traversed in light of the claims as amended. Applicant's invention teaches a permanently sealed light tube which is made of a structural material which acts as its own flashing (see page 6, beginning line 21). Since no flashing is required, there are no cracks or weak spots resulting from attaching the tube or dome to flashing. The present invention is

distinguished from the prior art as follows: "Securing the outer dome to the flashing with screws or bolts consumes time and tends to crack the outer dome at the points of pressure. Also, in this area where the dome meets the flashing, small holes or slits are used in an effort to keep out condensation that builds up inside tubular skylight systems. The holes allow the system to breathe, exhaling in the heat of the day, and inhaling moisture, dust, bugs, and other contaminants at night, which in time ruins the highly reflective light tube" (page 2, beginning line 2).

Both DeBlock and Boyd require the use of flashing. DeBlock discloses a tubular skylight having a curb/tube design which requires the use of external flashing. Paragraph 0019 states "The flashing **32** rests on the roof **R** with the outer wall **34** extending upwardly to meet the integral tube **36** that passes through the center of the outer wall **34** and below the flashing **32**". Boyd discloses a spherically shaped skylight which fits on top of roofing materials (flashing or other) and is held by a curb and bracket. "Referring to Figs. 1 and 2, the skylight comprises a circular block **20** made of light-transmitting material such as glass or plastic which is mounted on a curb **21** surrounding the opening in ceiling **22**. The block **20** is circular in plan view and comprises space walls **23**, **24** and a peripheral rim **25** which rests on a gasket **26** supported by the top of the curb **21**. The block **20** is held in position on the curb **21** by any suitable means such as a peripheral bracket **27**" (column 2, lines 55 to 63). Neither DeBlock nor Boyd teach or suggest the use of a structural material which serves as flashing.

In addition, the Examiner, in the instant Office Action, states that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have sealed the skylight system on both ends where the openings exist in order to keep out bugs, moisture,

and/or dust" (see page 10 of instant Office Action). Applicant respectfully disagrees. DeBlock additionally teaches away from permanently sealing the dome as shown in Figs. 1 through 3, where there are clearly holes for attachment and attachment devices (e.g. screws). DeBlock additionally teaches away from permanently sealing the dome as shown in Figs. 1 through 3, where there are clearly holes for attachment and attachment devices (e.g. screws). Therefore, not all claimed elements are present in the cited references, which is required under MPEP § 2143.03, and independent claim 18 is believed to be in condition for allowance over DeBlock in view of Boyd. Independent claim 18 is also believed to be in condition for allowance over DeBlock in view of Boyd additionally in view of other references.

Claims 21-29, and 36 are dependent on claim 18 which is now in condition for allowance. Accordingly claims 21-29 and 36 are in condition for allowance.


Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

Dated: 10/10/07

By: 
Deborah A. Peacock, Reg. No. 31,649

PEACOCK MYERS, P.C.
Attorneys for Applicant(s)
P.O. Box 26927
Albuquerque, NM 87125-6927
Telephone: (505) 998-1500
Facsimile: (505) 243-2542

Customer No. 005179

G:\A-CLIENTS\Halliday\AMDS\Skyflight Final OA.doc